
OLR Bill Analysis

SB 1006 (File 157, as amended by Senate "A")*

AN ACT CONCERNING PERMITTING ACCOUNTABILITY.

SUMMARY:

This bill requires all state agencies taking certain regulatory actions under the Uniform Administrative Procedure Act (UAPA) to cite the legal authority for the action. The agencies must do this when rendering final decisions or taking actions against a license under that act. In either case, an agency must identify the statutes or its regulations supporting the decision or authorizing the action.

The bill requires an agency to also provide this information to a person or business affected by other specified regulatory actions if these parties request it. These actions include those involving applications, permits, or requests for permits, licenses, approvals, or other permissions to conduct business or use private property. The bill specifies no deadline by which the agencies must respond to the request or consequences for failing to do so.

*Senate Amendment "A" extends the bill's requirement to decisions and actions agencies take under the UAPA and makes minor changes in the provisions governing the other actions triggering the bill's requirement.

EFFECTIVE DATE: October 1, 2013

UAPA DECISIONS AND ACTIONS

The bill requires state agencies to cite the legal authority for decisions they render under the UAPA. It specifically requires them to do so when rendering a proposed final decision, which under current law they must do in writing, specifying the reasons for the decision and separate findings of fact and conclusions on each issue of fact or law upon which the decision rests. Under the bill, the findings and

conclusions must include the specific provisions of the law or the agency's regulations upon which the agency based its findings.

Agencies must render proposed final decisions instead of adverse final decisions when a majority of the agency members who must render the final decision have not heard the matter or read the record. In these situations, the agency must allow the affected parties to file exceptions and present briefs and oral arguments to the agency's decision makers (CGS § 4-179).

Current law also requires agencies to specify their findings of fact and conclusions of law supporting a decision in contested cases (CGS § 4-180). Under the bill, the conclusions of law must also specify the provisions of the law or the agency's regulations on which the agency based its decision.

Lastly, the bill requires agencies to provide this information when revoking, suspending, annulling, or withdrawing a license. Under current law, they must notify a licensee before they start a process that could potentially result in one of these outcomes. In doing so, they must notify the licensee by mail about the facts or the conduct that warrants the agency's intended action (CGS § 4-182).

ACTIONS AFFECTING BUSINESS ACTIVITIES OR PROPERTY USES

The bill requires state agencies to specify the legal authority for an action that could affect a business activity or the use of private property when the affected party requests this information. Agencies must do this when:

1. acting on an individual's or business's application, petition, or request for a permit, license, approval, or other permission to conduct business or use private property;
2. restricting or imposing conditions on any business activity or use of private property; or
3. bringing an enforcement action, issuing a cease and desist

order, or otherwise requesting the affected party to modify or stop any business activity or use of private property.

In these situations, the agency must specify the provisions of the law, its regulations, or the general permit that authorize its actions.

COMMITTEE ACTION

Commerce Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2013)